

## **ATTACHMENT E**

### **RESOLUTION NO. 15-26**

**A Resolution of the South Coast Air Quality Management District (SCAQMD) Governing Board certifying the Final Subsequent Environmental Assessment for Proposed Amended Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Internal Combustion Engines.**

**A Resolution of the SCAQMD Governing Board amending Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines.**

**WHEREAS**, the SCAQMD Governing Board finds and determines that the proposed amendments to Rule 1110.2 are considered a “project” pursuant to the California Environmental Quality Act (CEQA); and

**WHEREAS**, the SCAQMD has had its regulatory program certified pursuant to Public Resources Code § 21080.5 and has conducted CEQA review and analysis pursuant to such program (SCAQMD Rule 110); and

**WHEREAS**, SCAQMD staff has prepared a Draft Subsequent Environmental Assessment (SEA) pursuant to its certified regulatory program and pursuant to CEQA Guidelines §15252, setting forth the potential environmental consequences of Proposed Amended Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines; and

**WHEREAS**, the Draft SEA was circulated for 45-day public review and comment period from September 1, 2015 to October 16, 2015; and

**WHEREAS**, no comment letters were received during the comment period relative to the analysis presented in the Draft SEA and the Draft SEA has been revised such that it is now a Final SEA; and

**WHEREAS**, it is necessary that the adequacy of the Final SEA be determined by the SCAQMD Governing Board prior to its certification; and

**WHEREAS**, it is necessary that the SCAQMD prepare Findings and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15091 and §15093, respectively, regarding potentially significant adverse environmental impacts that cannot be mitigated to insignificance; and

**WHEREAS**, no feasible mitigation measures were identified to reduce or eliminate significant adverse operational air quality impacts to less than significant and,

as such, a Mitigation Monitoring Plan pursuant to Public Resources Code §21081.6 was not required; and

**WHEREAS**, the SCAQMD Governing Board voting on Proposed Amended Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines has reviewed and considered the Final EA prior to its certification; and

**WHEREAS**, the SCAQMD Governing Board finds and determines, taking into consideration the factors in § (d)(4)(D) of the Governing Board Procedures (to be codified as Section 30.5(4)(D) of the Administrative Code), that the modifications which have been made to Proposed Amended Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines, since notice of public hearing was published do not significantly change the meaning of the proposed project within the meaning of Health and Safety Code § 40726 and would not constitute significant new information requiring recirculation of the Draft CEQA document pursuant to CEQA Guidelines § 15088.5; and

**WHEREAS**, the SCAQMD Governing Board has determined that a need exists to amend Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines, for the reasons contained in the Board Letter; and

**WHEREAS**, the SCAQMD Governing Board has determined that there is a problem, that the proposed amendments to Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines will alleviate (Health and Safety Code § 40001(c)). Specifically, there is a need for additional time for biogas engines to meet the technology-advancing limits earlier imposed, and there is an issue of SIP approvability due to the existing breakdown provisions; and

**WHEREAS**, the SCAQMD Governing Board obtains its authority to adopt, amend, or rescind rules and regulations from Sections 40000, 40001, 40440, 40500, 40501.3, 40506, 40510, 40510.5, 40512, 40522, 40522.5, 40523, 40702, 40725 through 40728, and 44380 of the California Health and Safety Code; and

**WHEREAS**, Health and Safety Code §40727 requires that prior to adopting, amending or repealing a rule or regulation, the SCAQMD Governing Board shall make findings of necessity, authority, clarity, consistency, non-duplication, and

**WHEREAS**, the SCAQMD Governing Board has determined that Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines, as proposed to be amended, is written or displayed so that its meaning can be easily understood by the persons directly affected by it; and

**WHEREAS**, the SCAQMD Governing Board has determined that Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines, as proposed to be

amended, is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations; and

**WHEREAS**, the SCAQMD Governing Board has determined that Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines, as proposed to be amended, does not impose the same requirements as any existing state or federal regulation, and the proposed amended rule is necessary and proper to execute the powers and duties granted to, and imposed upon, the SCAQMD; and

**WHEREAS**, the SCAQMD Governing Board, in amending and adopting this regulation, references the following statutes which the District hereby implements, interprets, or makes specific: California Health and Safety Code Sections 40440(a) (rules to carry out the Air Quality Management Plan), 40440(c) (cost effectiveness), 41508, 41700, and Federal Clean Air Act Section 172(c)(1) (RACT); and

**WHEREAS**, the SCAQMD Governing Board has determined that the Final Socioeconomic Assessment approved for the 2008 amendments to Rule 1110.2 remain valid for this proposed amendment, since there are fewer engines to control and the control costs have remained relatively constant since the 2008 Socioeconomic Assessment was conducted; and

**WHEREAS**, the SCAQMD Governing Board has determined that the 2008 Socioeconomic Assessment for Proposed Amended Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Internal Combustion Engines is still consistent with the provisions of Health and Safety Code Sections 40440.8, 40728.5 and 40920.6; and

**WHEREAS**, the SCAQMD Governing Board has determined that the 2008 Socioeconomic Assessment for Proposed Amended Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Internal Combustion Engines is still consistent with the March 17, 1989 Board Socioeconomic Resolution for rule adoption; and

**WHEREAS**, the SCAQMD Governing Board has determined that Proposed Amended Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Internal Combustion Engines would have fewer costs to the affected industries than what was described in the 2008 Socioeconomic Assessment; and

**WHEREAS**, a public hearing has been properly noticed in accordance with the provisions of Health and Safety Code Section 40725; and

**WHEREAS**, the SCAQMD Governing Board has held a public hearing in accordance with all the provisions of law; and

**WHEREAS**, the SCAQMD specifies the Manager of Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines as the custodian of the documents or other materials which constitute the record of proceedings upon which the adoption of

this proposed amendment is based, which are located at the South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, California; and

**WHEREAS**, at the conclusion of the public hearing, the SCAQMD Board may make other amendments to Proposed Amended Rule 1110.2 which are justified by the evidence presented, or may decline the amendments or adoption; and

**NOW, THEREFORE, BE IT RESOLVED**, that the SCAQMD Governing Board does hereby certify that the Final SEA for Proposed Amended Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines, was completed in compliance with CEQA and Rule 110 provisions; and that the Final SEA was presented to the SCAQMD Governing Board, whose members reviewed, considered and approved the information therein prior to acting on Proposed Amended Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines; and

**BE IT FURTHER RESOLVED**, that the SCAQMD Governing Board adopts the Findings and Statement of Overriding Considerations pursuant to CEQA Guidelines §15091 and §15093, respectively; and

**BE IT FURTHER RESOLVED**, that the SCAQMD Governing Board hereby directs the Executive Officer to submit Rule 1110.2, as currently amended, for inclusion into the California State Implementation Plan; and

**BE IT FURTHER RESOLVED**, that the SCAQMD Governing Board directs staff to apply the funds collected from the Compliance Flexibility Fee to the SCAQMD's leaf blower program and any other similar NOx reduction programs pursuant to protocols approved under District rules which staff determines, in consultation with District Counsel, will not call for the preparation of a subsequent environmental assessment pursuant to CEQA guidelines section 15162; and


**BE IT FURTHER RESOLVED**, that the SCAQMD Governing Board does hereby amend, pursuant to the authority granted by law, Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines, as set forth in the attached and incorporated herein by this reference.

AYES: Antonovich, B. Benoit, J. Benoit, Burke, Buscaino, Cacciotti, Lyou, Mitchell, Nelson, Parker, and Rutherford.

NOES: None.

ABSENT: Pulido and Yates.

Date: Dec. 4, 2015

  
Sandra McDaniel, Clerk of the Boards